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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/848,861	05/20/2004	Reno Fiedler		6952

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Reno Fiedler
11303 E Prince Rd
Tucson, AZ 85749

EXAMINER

EKONG, EMEM

ART UNIT	PAPER NUMBER
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2688

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/848,861

Applicant(s)

FIEDLER ET AL.

Examiner

EMEM EKONG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it includes legal phraseology, such as means. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

2. Claim 1-10 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claims 1-10 also include methods, systems, and apparatus in the same claim; methods, systems, and apparatus must be in different claims.

3. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the

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value of a patent is largely dependent upon skilled preparation and prosecution.

The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that

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the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Correction is required. For examination processes the claims will be interpreted as follows.

7. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Publication No. 2003/0032404 A1 to Wager et al. (Wager) in view of U. S. Patent No. 6813488 to Marsh et al. and further in view of U.S. Publication No. 20030050044 A1 to Awada et al..

Regarding claim 1, and the above 112 2nd, **Wager discloses** a method and system for spatially presenting and summarizing telephone (installed and mobile) and pager call logs by call origination and/or reception location, where location is defined as a geographic place, including: address, zip code, roaming area, telephone area codes, provider service network, street network segments for calls from a moving mobile phone, etc (see figures 5,11, and pars. 0070-0074);

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the owner of the telephone or pager is visually alerted of sensitive calls by call log map(s) in telephone and pager billing statements (see figure 15, and par. 0074);

the method and system is comprised of: Integration of a database technology (see figure 4, logged calls database system), a geographic information system (see figure 14, and par. 0073, electronic geographic map), and a rule system (pars. 0070-0073);

Summarizing all or a subset of all calls by a map which displays geo-referenced call origination and/or reception location and/or lines connecting the two places (see figures 11-14, and pars. 0070, 0073);

Summarizing the number of calls by call origination and/or reception location within the map (see figures 6, 14, and par. 0021; call log showing number of calls);

summarizing the charged amounts by call origination and/or reception location within the map (pars. 0002, 0007, and 0074);

However, **Wager fails to disclose** summarizing the categorized calls (incoming, outgoing, daytime, nighttime, peak time, off peak time etc.) by call origination and/or reception location within the map;

Summarizing weekend calls by call origination and/or reception location within a map;

summarizing calls by applicable base rate (day rate, night rate, peak rate, off peak rate, surcharges, etc.) by call origination and/or reception location within a map.;

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summarizing the calls with significant amounts charged by call origination and/or reception location within a map;

summarizing the local-area calls by call origination and/or reception location within a map; Summarizing the non-local-area calls by call origination and/or reception location within a map;

Summarizing weekday calls by call origination and/or reception location within a map; Summarizing weekly calls by call origination and/or reception location within a map.

Marsh et al. discloses summarizing weekend calls by call origination and/or reception location within a map; Summarizing the categorized calls (incoming, outgoing, daytime, nighttime, peak time, off peak time etc.) by call origination and/or reception location within the map;

summarizing calls by applicable base rate (day rate, night rate, peak rate, off peak rate, surcharges, etc.) by call origination and/or reception location summarizing the calls with significant amounts charged by call origination and/or reception location (see tables 4-6, col. 2 lines 12-31, and col. 7 lines 14-60);

summarizing the local-area calls by call origination and/or reception location; Summarizing the non-local-area calls by call origination and/or reception location; Summarizing weekday calls by call origination and/or reception location within a map; (col. 7 line 14-col. 8 line 11, col. 15 lines 4-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Wager, and have calls summarized by local, non-local-area, and with significant amounts charged by

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call origination and/or reception location within a map for the purpose of providing summarized information to subscriber.

However, **Marsh et al. fails to disclose** summarizing weekly calls by call origination and/or reception location.

Awada et al. discloses summarizing weekly calls by call origination and/or reception location (pars. 0003 and 0009).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Wager and Marsh et al., by summarizing weekly calls by call origination as taught by Awada et al. for the purpose of summarizing and reporting call log on weekly basis.

Regarding claim 2, the combination of Wager, Marsh et al., and King et al. discloses the method and system as claimed in claim 1, where said summary of calls by call origination and/or reception location within a map includes a map displaying symbols or text denoting the call origination and/or reception location based on geo-referenced information about the originator's and/or the receiver's street address, zip code, city, state, roaming area, telephone codes for each or some calls at that location, where the two locations may be connected via line symbols (Wager, see figures 5, 6, 11-15, and pars. 0021, 0070-0074).

Regarding claim 3, the combination of Wager, Marsh et al., and King et al. discloses the method and system as claimed in claim 1, where said summary of charged amounts by call origination and/or reception location within a map

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includes a map displaying symbols or text at the geo-referenced call origination and/or reception location, where the size, the shape, the color, the pattern, labeling text, or any combination thereof reflects the total or a certain range of charged amounts to and/or from that location (Wager, pars. 0016-0019).

Regarding claim 4, the combination of Wager, Marsh et al., and King et al. discloses the method and system as claimed in claim 1, where said summary of the number of calls by call origination and/or reception location within a map includes a map displaying symbols or text at the call origination and/or reception location, where the size, the shape, the color, the pattern, labeling text, or any combination thereof reflect the actual number or a certain range of numbers of calls to and/or from that location (Wager, see figures 6, 14, pars. 0019, and 0021, call log showing number of calls).

Regarding claim 5-9, the combination of **Wager discloses** the method and system as claimed in claim 1, and said summary of categorized calls includes a map displaying symbols text at the call origination and/or reception location, where the size, the shape, the color, the pattern, labeling text (pars. 0016-0019).

However, **Wager fails to disclose** where any combination thereof reflect the categories of incoming, outgoing, daytime, nighttime, peak time, off peak time etc. of calls to and/or from that location (claim 5);

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where said summary of sensitive calls includes calls with significant charge amounts, or the call is one among the top-n charged amounts in this billing period (claim 6);

where said summary of local and/or non-local calls includes all locations within or outside, respectively, of the owner's home area, as may be defined by address plus distance function, or any geographic place, including zip code, phone area codes, roaming area codes, service provider network, street network, city or town, county, state, country, continent, etc (claim 7);

where said summary of weekday calls, and weekend calls, by call origination and/or reception location within a map includes a map displaying symbols or text at the call origination and/or reception location, where the size, the shape, the color, the pattern, labeling text, or any combination thereof reflects calls conducted on weekdays (claim 8-9);

Marsh et al., discloses where any combination thereof reflect the categories of incoming, outgoing, daytime, nighttime, peak time, off peak time etc. of calls to and/or from that location (reads on claim 5) (col. 7 lines 14-60);

where said summary of sensitive calls includes calls with significant charge amounts, or the call is one among the top-n charged amounts in this billing period (reads on claim 6) (Marsh et al., see tables 6 and 7);

where said summary of local and/or non-local calls includes all locations within or outside, respectively, of the owner's home area, as may be defined by address plus distance function, or any geographic place, including zip code,

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phone area codes, roaming area codes, service provider network, street network, city or town, county, state, country, continent, etc (claim 7);

weekday calls, and weekend calls by call origination and/or reception location (claims 8 and 9)(Marsh et al., col. 7 line 14-col. 8 line 11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Wager, and have calls summarized by local, non-local-area and with significant amounts charged by call origination and/or reception location within a map as taught by Marsh et al. for the purpose of providing summarized information to subscriber.

However, **Marsh et al. fails to disclose** the combination fails to disclose summary of weekly calls by call origination (claim 10).

Awada et al. discloses summary of weekly calls by call origination (reads on claim 10) (par. 0009).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Wager and Marsh et al., and have the summary of weekly calls by call origination for the purpose summarizing and reporting call log on a weekly basis.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571 272 7495. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EOE
12/06/05



NICK CORSARO
PRIMARY EXAMINER